

Robert I. Steiner



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January 31, 2025

VIA ECF

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

*So ordered. The undocketed copy shall
be filed under seal and a copy thereof
shall be furnished as a courtesy
copy.*
2-3-25
Alvin K. Hellerstein

Re: The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al., Case No. 22-cv-4724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co., Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon") in the above-referenced matter. We write to respectfully request that the Court enter an Order to maintain under seal the document discussed below, copies of which are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential" or "Attorney's Eyes Only," and provides that information so designated may not be disclosed except as expressly permitted under the Protective Order. (ECF No. 65 at ¶¶ 2, 12.)

In addition, pursuant to Section 11.1 of the parties' Manufacturing and Supply Agreement (the "MSA"), the parties agreed to "keep completely confidential and not publish or otherwise disclose and not use, directly or indirectly, for any purpose, any Confidential Information furnished or otherwise made known to it, directly or indirectly, by or on behalf of the other Party[.]" (ECF No. 7-1 at § 11.1.) The MSA defines "Confidential Information" as "any information provided by or on behalf of one Party . . . relating to the terms of this Agreement[.]" (ECF No. 7-1 at Definitions.)

On January 31, 2025, Avon intends to file a Motion for Summary Judgment ("Motion"). In support of its Motion, Avon intends to submit the following documents as exhibits to either the Declaration of Robert I. Steiner, dated January 31, 2025 ("Steiner Decl.") or the Declaration of Thomas Klein, dated

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January 30, 2025 ("Klein Decl."), which either Avon or Fareva designated as "Confidential" or "Attorneys' Eyes Only":

Document Type	Produced By	Bates Number	Designated As	Filed As
E-mail	Fareva	FMG_00166467 – FMG_00166470	Confidential	Steiner Decl. Ex. 6
PowerPoint	Fareva	FMG_00166471 – FMG_00166485	Confidential	Steiner Decl. Ex. 7
E-mail	Fareva	FMG_00165958 – FMG_00165963	Confidential	Steiner Decl. Ex. 8
E-mail	Fareva	FMG_00247342	Confidential	Steiner Decl. Ex. 9
E-mail	Fareva	FMG_00542128 – FMG_00542140	Attorneys' Eyes Only	Steiner Decl. Ex. 10
E-mail	Fareva	FMG_00006585	Confidential	Steiner Decl. Ex. 11
Excel	Fareva	FMG_00006586	Confidential	Steiner Decl. Ex. 12
E-mail	Fareva	FMG_00006566 – FMG_00006567	Confidential	Steiner Decl. Ex. 13
Letter	Fareva	FMG_00006568 – FMG_00006569	Confidential	Steiner Decl. Ex. 14
Letter	Avon	AVON0073158	Confidential	Steiner Decl. Ex. 15
E-mail	Fareva	FMG_00108181 – FMG_00108212	Confidential	Steiner Decl. Ex. 16
E-mail	Fareva	FMG_00206654 – FMG_00206673	Attorneys' Eyes Only	Steiner Decl. Ex. 17
E-mail	Fareva	FMG_00139641 – FMG_00139642	Confidential	Steiner Decl. Ex. 18
E-mail	Fareva	FMG_00392865 – FMG_00392868	Confidential	Steiner Decl. Ex. 19
E-mail	Fareva	FMG_00203443 – FMG_00203446	Confidential	Steiner Decl. Ex. 20
E-mail	Fareva	FMG_00243006	Attorneys' Eyes Only	Steiner Decl. Ex. 21
Excel	Fareva	FMG_00243007	Confidential	Steiner Decl. Ex. 22
E-mail	Fareva	FMG_00392865 – FMG_00392868	Confidential	Steiner Decl. Ex. 23

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Document Type	Produced By	Bates Number	Designated As	Filed As
E-mail	Fareva	FMG_00395585	Confidential	Steiner Decl. Ex. 24
Excel	Fareva	FMG_00395586	Confidential	Steiner Decl. Ex. 25
E-mail	Avon	AVON0062261 – AVON0062263	Confidential	Steiner Decl. Ex. 27
E-mail	Fareva	FMG_00611068 – FMG_00611069	Confidential	Steiner Decl. Ex. 28
E-mail	Avon	AVON0020115	Confidential	Steiner Decl. Ex. 29
E-mail	Fareva	FMG_00982284 – FMG_00982288	Confidential	Steiner Decl. Ex. 30
E-mail	Fareva	FMG_00981943	Confidential	Steiner Decl. Ex. 31
Letter	Fareva	FMG_00006926	Confidential	Steiner Decl. Ex. 32
Letter	Fareva	FMG_00145323 – FMG_00145324	Confidential	Steiner Decl. Ex. 33
Letter	Fareva	FMG_00006752	Confidential	Steiner Decl. Ex. 34
Letter	Fareva	FMG_00006743	Confidential	Steiner Decl. Ex. 35
Letter	Fareva	FMG_00845623 – FMG_00845624	Confidential	Steiner Decl. Ex. 36
Letter	Fareva	FMG_00018905	Confidential	Steiner Decl. Ex. 37
Letter	Fareva	FMG_00156407 – FMG_00156408	Confidential	Steiner Decl. Ex. 38
Letter	Avon	AVON0022488	Confidential	Steiner Decl. Ex. 39
PDF	Avon	AVON0022490 – AVON22506	Confidential	Steiner Decl. Ex. 40
Letter	Avon	AVON0054618– AVON0054619	Confidential	Steiner Decl. Ex. 41
Letter	Avon	AVON0082617– AVON0082618	Confidential	Steiner Decl. Ex. 42
E-mail	Fareva	FMG_00363287 – FMG_00363288	Confidential	Steiner Decl. Ex. 44

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Document Type	Produced By	Bates Number	Designated As	Filed As
Expert Report	Avon	--	Confidential	Steiner Decl. Ex. 45
Expert Report	Avon	--	Confidential	Steiner Decl. Ex. 46
Expert Report	Fareva	--	Confidential	Steiner Decl. Ex. 47
E-mail	Fareva	FMG_00211962 – FMG_00211963	Confidential	Steiner Decl. Ex. 48
E-mail	Fareva	FMG_00800410 – FMG_00800413	Attorneys' Eyes Only	Steiner Decl. Ex. 50
Invoice	Avon	AVON0070000	Confidential	Steiner Decl. Ex. 51
Invoice	Avon	AVON0070004	Confidential	Steiner Decl. Ex. 52
Letter	Avon	AVON0086795– AVON0086797	Confidential	Steiner Decl. Ex. 53
Letter	Fareva	FMG_00247343	Confidential	Steiner Decl. Ex. 54
E-mail	Fareva	FMG_00247347 – FMG_00247348	Confidential	Steiner Decl. Ex. 55
Invoice	Avon	AVON0093953	Confidential	Steiner Decl. Ex. 56
Bank Receipt	Avon	AVON0094422	Confidential	Steiner Decl. Ex. 57
Bank Receipt	Avon	AVON0094426	Confidential	Steiner Decl. Ex. 58
E-mail	Fareva	FMG_00610728	Confidential	Steiner Decl. Ex. 59
Expert Report	Avon	--	Confidential	Steiner Decl. Ex. 60
Expert Report	Avon	--	Confidential	Steiner Decl. Ex. 61
E-mail	Fareva	FMG_00214787	Confidential	Steiner Decl. Ex. 63
E-mail	Alvarez & Marsal	AM_AVFA_0005421 – AM_AVFA_0005426	Confidential	Steiner Decl. Ex. 64
Invoice	Avon	AVON0017677	Confidential	Steiner Decl. Ex. 65

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Document Type	Produced By	Bates Number	Designated As	Filed As
Excel and Remittances	Avon	AVON0093954 – AVON0093959	Attorneys' Eyes Only	Klein Decl. Ex. 66
Invoice	Fareva	FMG_0086110	Confidential	Klein Decl. Ex. 67
Excel	Avon	AVON0093941	Confidential	Klein Decl. Ex. 68
Excel and Remittances	Avon	AVON0093961 – AVON0093966	Attorneys' Eyes Only	Klein Decl. Ex. 69
E-mail	Fareva	FMG_00363287 – FMG_00363288	Confidential	Klein Decl. Ex. 70

In addition to submitting the foregoing documents as exhibits, Avon intends to reference, quote, and rely upon such documents in (i) the Statement of Undisputed Material Facts in Support of Plaintiffs' Motion for Summary Judgment, dated January 31, 2025; and (ii) the Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment, dated January 31, 2025.

Avon contends that good cause exists to maintain under seal the documents it has produced as "Confidential" or "Attorneys' Eyes Only," and any references thereto in its Motion papers, because (i) Section 11.1 of the MSA requires Avon to maintain the confidentiality of such documents, and/or (ii) the documents contain sensitive information related to Avon's financial decisions and the operations of Avon's business.

As to documents produced by Fareva, Avon is not contending that good cause exists to designate any of the foregoing materials as Confidential or Attorneys' Eyes Only. Instead, Avon merely seeks to comply with its obligations under the Protective Order to file under seal documents that Fareva has designated as such. With Fareva's permission, Avon is prepared to re-file the foregoing documents or portions thereof publicly.

Finally, Avon respectfully requests that the Court maintain under seal any portions of its Motion papers that reference or quote exhibits that were previously filed under seal based on either party's designation of those materials as Confidential or Attorney's Eyes Only. Those exhibits include the following:

Document Type	Produced By	Bates Number	Designated As	ECF#
Letter	Avon	AVON0005387 – AVON0005410	Confidential	ECF 223-10
Contract	Fareva	FMG_00359576 – FMG_00359785	Confidential	ECF 224-1

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Document Type	Produced By	Bates Number	Designated As	ECF#
E-mail	Fareva	FMG_00244671 – FMG_00244674	Confidential	ECF 302-2
E-mail	Fareva	FMG_00006801 – FMG_00006802	Confidential	ECF 224-2
E-mail	Fareva	FMG_00359385 – FMG_00359390	Confidential	ECF 275-1
Letter	Fareva	FMG_00007048 – FMG_00007049	Confidential	ECF 136-2
Letter	Fareva	FMG_00007036 – FMG_00007037	Confidential	ECF 136-3
E-mail	Fareva	FMG_00146209 – FMG_00146211	Confidential	ECF 171-2
E-mail	Fareva	FMG_00172771 – FMG_00172778	Confidential	ECF 160-6
E-mail	Avon	AVON0013401 – AVON0013402	Confidential	ECF 241-3
Letter	Avon	AVON0077775	Confidential	ECF 201-3
Letter	Avon	AVON0085897 – AVON0085909	Confidential	ECF 302-3
E-mail	Avon	AVON0005385– AVON0005410	Confidential	ECF 241-1

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner
Robert I. Steiner

cc: All Counsel of Record (via ECF)